



# CITY OF DULUTH

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

## STAFF REPORT

<b>File Number</b>	PL 13-105	<b>Contact</b>	Steven Robertson, (218) 730 5295	
<b>Application Type</b>	Variance from Front Yard Setback	<b>Planning Commission Date</b>	August 13, 2013	
<b>Deadline for Action</b>	<b>Application Date</b>	July 12, 2013	<b>60 Days</b>	September 10, 2013
	<b>Date Extension Letter Mailed</b>	July 23, 2013	<b>120 Days</b>	November 9, 2013
<b>Location of Subject</b>	801 E 6th St.			
<b>Applicant</b>	Nathan Graen	<b>Contact</b>	(763) 291 5516	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	010 3850 01150			
<b>Site Visit Date</b>	August 2, 2013	<b>Sign Notice Date</b>	July 29, 2013	
<b>Neighbor Letter Date</b>	July 30, 2013	<b>Number of Letters Sent</b>	69	

### Proposal

The applicant wishes to replace an existing detached garage. The applicant is requesting variance to build a new detached accessory structure 2 feet from the corner side yard setback (required to provide 20 feet) and 3 feet from the "interior" side yard (required to provide 6 feet).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

### Summary of Code Requirements (reference section with a brief description):

Sec. 50-14.5 - Residential-Traditional District. Corner Lot: width of corner side yard of a dwelling is 15 feet.

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall . . . make a decision on the application based on the criteria in subsections 50-37.9.C through M . . . .

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):

Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

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**Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):**

Traditional Neighborhood Future Land Use. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

**Principle #8 - Encourage mix of activities, uses and densities**

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

- 1) The applicant would like to replace an existing one-stall detached garage on his lot. The proposed garage would be wider one-stall garage measuring 16.5 feet by 20 feet.
- 2) The home was built in 1911. The lot is 25 feet wide and a 100 feet deep. Because of the small size of the applicant's lot and the requirements of the side and corner side yard setbacks, it is impossible to build a new garage on to this lot without a variance.
- 3) The need for relief is not due to circumstances created by the homeowner, as this house, was built prior to the zoning setbacks.
- 4) A single stall garage on a residential property is a reasonable use of the property. Single stall garages are not out of character for this neighborhood. The applicant has had a single stall garage on this property for many years, so it would not be a major change to the appearance or function of his property.
- 5) The proposed addition will not impair supply of light or air to adjacent properties, or increase congestion on public streets, or diminish property values. It will not alter the essential character of the surrounding area. It will not increase the existing density of housing units in the neighborhood.
- 6) No City, public, or agency comments were received.
- 7) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, Staff finds that the standard for the variance has been met and, therefore, recommends the Planning Commission approve the requested variance to build 2 feet from the corner side yard setback and 3 feet from the interior side yard setback, subject to the following conditions:

- 1) Applicant construct the project in accordance with project area identified on the certificate of survey submitted and dated July 19, 2013.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**

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# City Planning

PL 13-105

Variance

801 East 6th Street

## Legend

### Right-of-Way Type

----- Road or Alley ROW

----- Vacated ROW

### Easement Type

----- Utility Easement

----- Other Easement

----- Zoning (Final)

----- Future Land Use

----- Preservation

----- Recreation

----- Rural Residential

----- Low-density Neighborhood

----- Traditional Neighborhood

----- Urban Residential

----- Neighborhood Commercial

----- Neighborhood Mixed Use

----- General Mixed Use

----- Central Business Secondary

----- Central Business Primary

----- Auto Oriented Commercial

----- Large-scale Commercial

----- Business Park

----- Tourism/Entertainment District

----- Medical District

----- Institutional

----- Commercial Waterfront

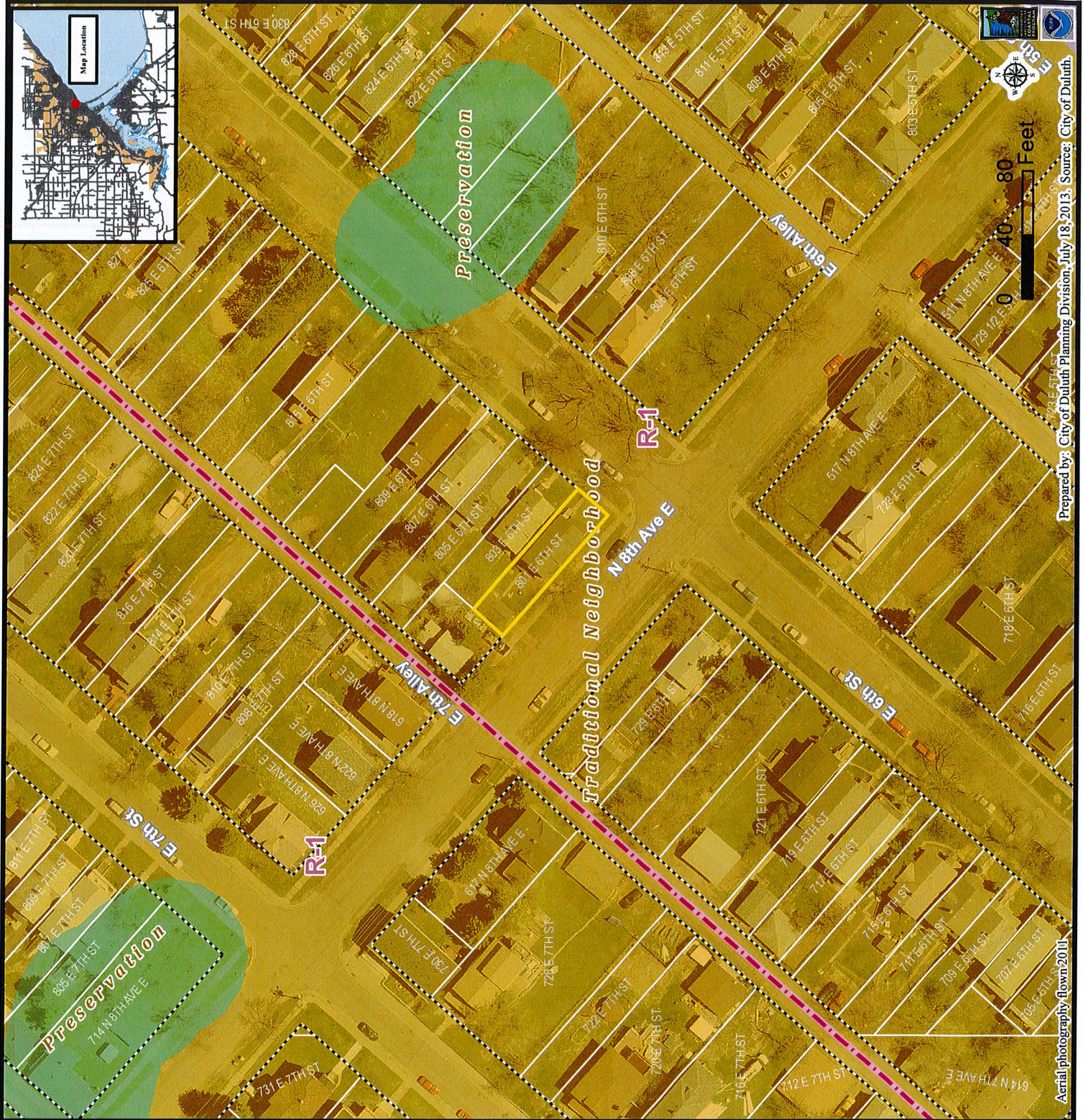
----- Industrial Waterfront

----- Light Industrial

----- General Industrial

----- Transportation and Utilities

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



Aerial photography (down 2011)

Prepared by: City of Duluth Planning Division, July 18, 2013. Source: City of Duluth.



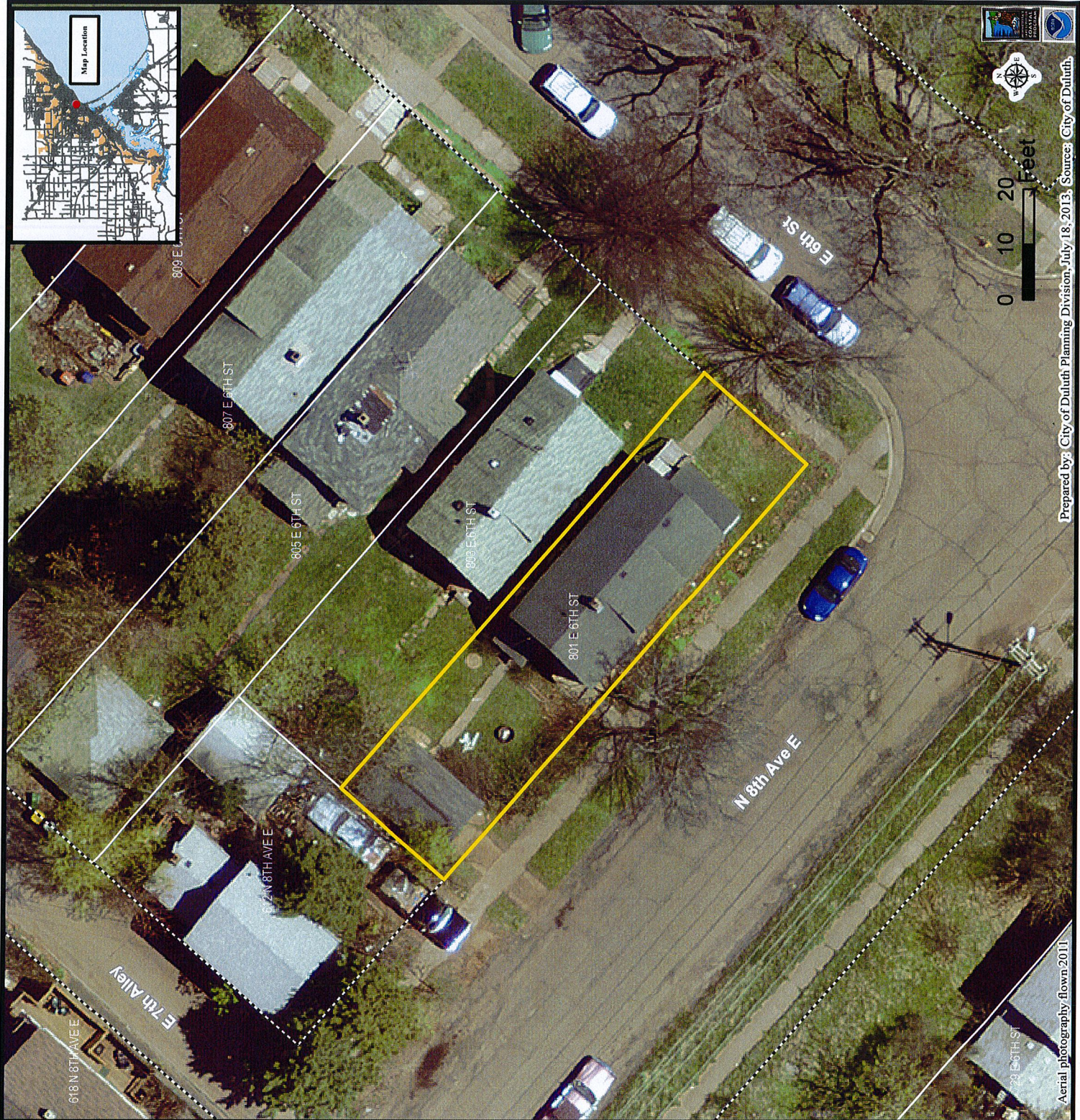


# City Planning

PL 13-105

Variance

801 East 6th Street



## Legend

Right-of-Way Type

----- Road or Alley ROW

Easement Type

Utility Easement

Other Easement

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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, July 18, 2013, Source: City of Duluth.



## MEMO

To: City of Duluth  
From: Nathan Graen  
Date: 7/12/2013  
Re: Corner Lot Side Setback Variance

### Background

When I purchased the house a few years ago my intention was to make significant improvements to the house. To turn it into a home that would be desirable to live in. I have since replaced all of the plumbing and all of the electrical. I have resided it, wrapped the windows and rebuilt the front porch. The next step is to replace the existing dilapidated garage.

I am seeking a variance from the City of Duluth UDC to allow the replacement of a detached nonconforming garage at my existing residence in the form of a larger one-car garage. See attached Plan and Elevation Drawing.

### 1. Description of Proposed Improvements

#### a. Garage

The proposed footprint for the detached one-car garage would be 16.5 feet wide by 20 feet deep. The footprint for the detached garage is no greater than the 30% of rear yard and is allowable by the UDC. The current detached garage was built in a time of smaller vehicles and when people owned fewer things (lawn mower, ladder, BBQ grill). I would like to be able to secure my assets as I have already had my vehicle vandalized and broken into in the three years I have lived here.

Variances are intended to remedy hardships or inconsistencies created by zoning ordinances where property is being put to a reasonable use. Here, the desire to build an attached garage is a reasonable use of my property. However, with a 25 foot wide lot I do not have a large enough rear yard to accommodate the corner lot side yard setback requirement of 20 feet. In order to move forward with the proposed garage I am respectfully requesting a variance from the 20 foot required setback to a two foot for the

5-5  
1-7



side setback. This will allow for a 20 foot deep garage, anything less than this would be difficult to park a vehicle in.

The current house, garage and other houses along the block were before the current UDC and are not currently in compliance with a 20' setback. Some of the houses along the block appear to be built all the way to the property line.

## **2. Property**

This is a corner lot with a single-family residence, zoned R-1. The front elevation faces E 6<sup>th</sup> St and the left elevation faces 8<sup>th</sup> Ave. The property is abutted by other residential properties along the right and rear elevations. The existing single-car detached garage is along the rear property line of the lot. It is serviced by an old fashioned concrete runner driveway.

## **3. Neighbors Directly Impacted by Improvement**

### **a. Right Elevation**

The proposed improvement would not be any closer to the abutting property and should not affect them in any way. The abutting property is a rental and the owner could not be reached for comment.

### **b. Rear Elevation**

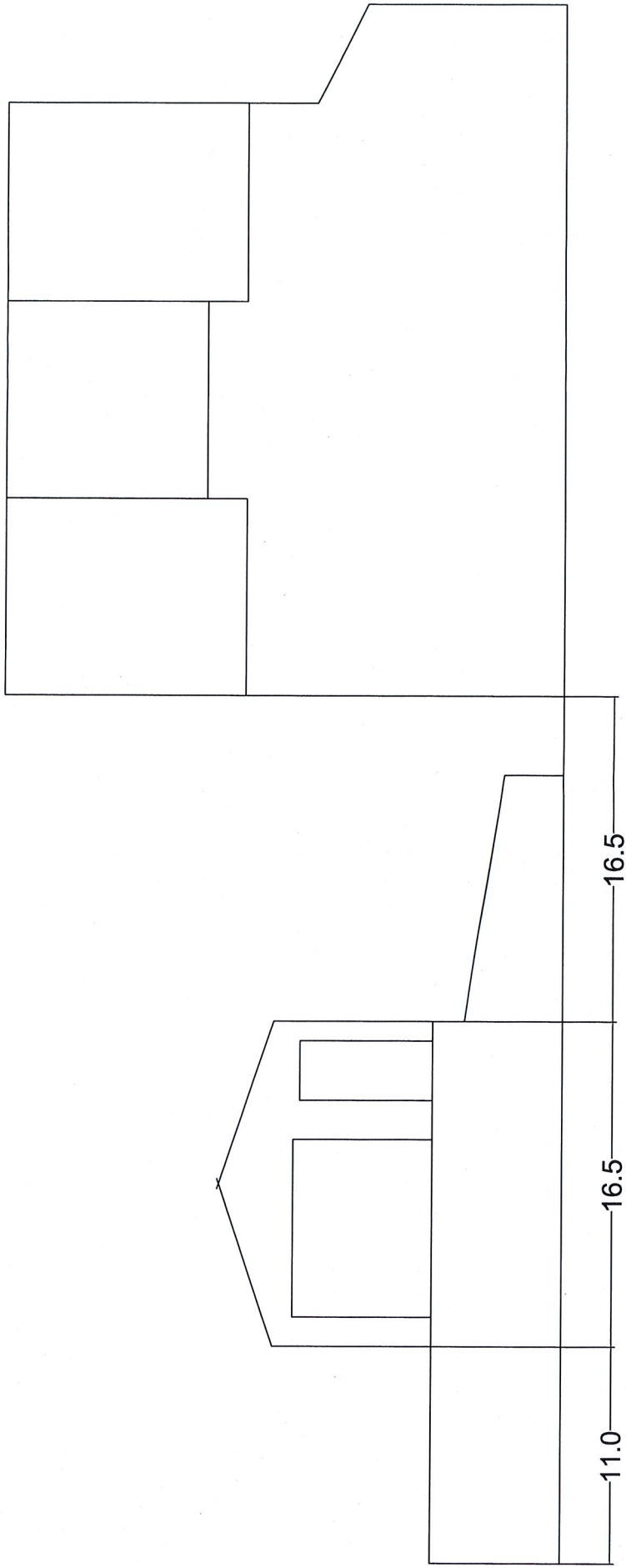
The proposed improvement would enhance the rear neighbor's view of the lake by lowering the roofline of the new garage. Also, the new garage would meet the five foot from rear boundary set back that the current garage does not meet. The neighbor is in favor of the proposed improvement.

Thank you for reviewing my request.

Respectfully,

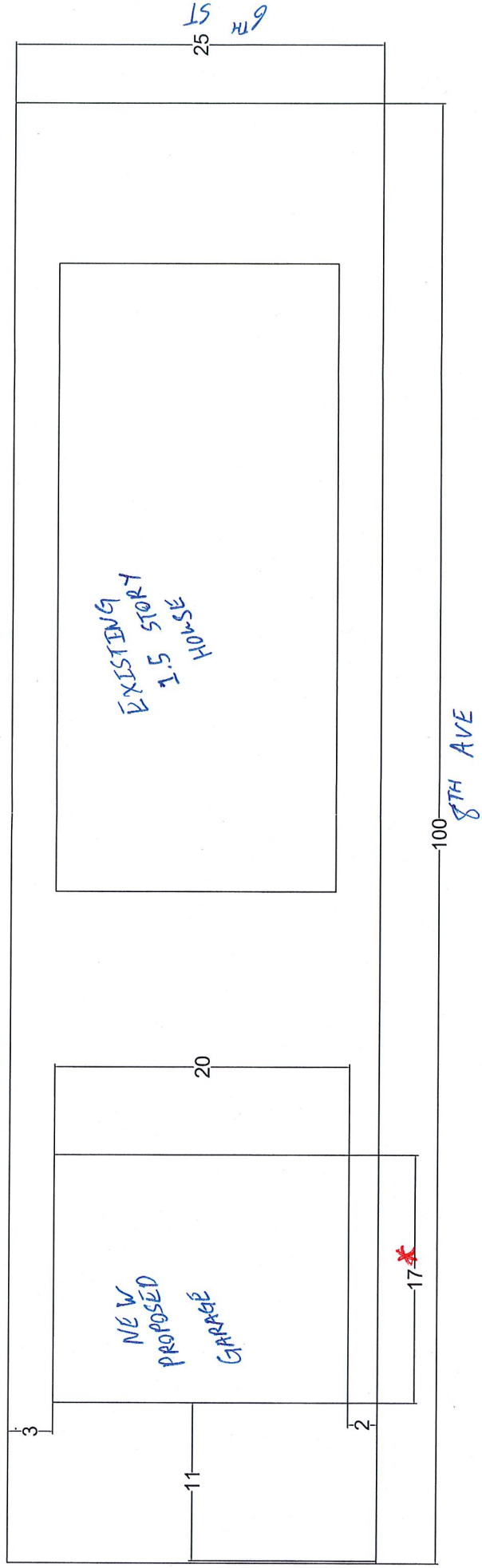
Nathan Graen







801 E 6<sup>TH</sup> ST



25  
6<sup>TH</sup> ST

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\*Note, request revised from 17' to 16.5'  
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# CERTIFICATE OF SURVEY



TDS OF MN, INC.  
1330 E. Superior St.  
Suite J  
Duluth, MN 55805  
Phone: 218-461-1703  
www.tdsmin.com

## PORTLAND DIVISION SURVEY

NATHAN GRAEN  
801 E. 6TH STREET  
DULUTH, MN 55805

SURVEY BY :	TDL
DRAWN BY :	TDL
DESIGNED BY :	TDL
APPROVED BY :	TDL
DATE :	07/19/13
PROJECT NUMBER	13100
SHEET NUMBER	1 OF 1

### LEGAL DESCRIPTION:

The Southerly 100.00 feet of Lot 1, Block 128, PORTLAND DIVISION OF TOWN OF DULUTH, a duly recorded plat, St. Louis County, Minnesota.  
Containing 2500 square feet.

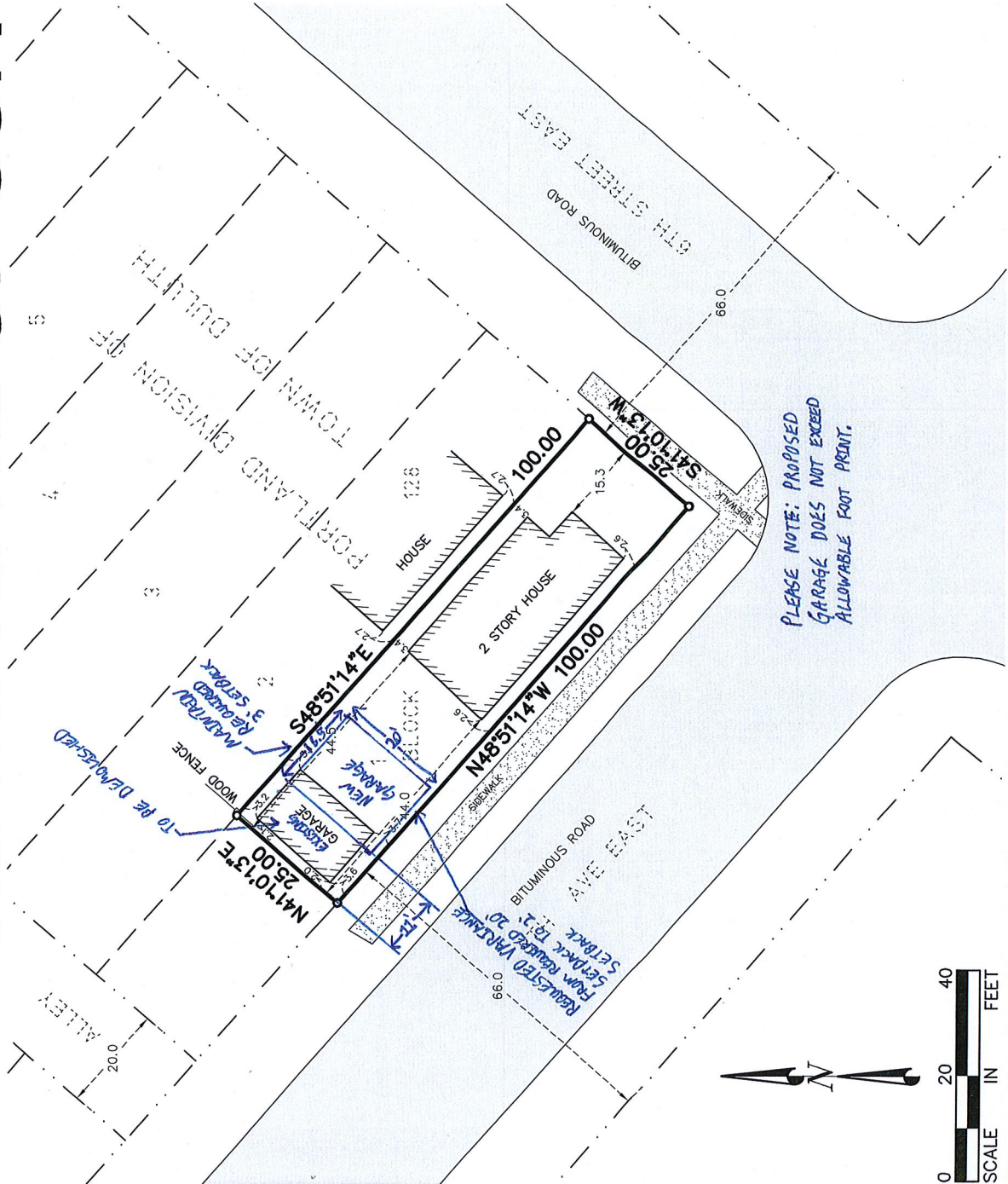
### LEGEND:

o =  $\frac{3}{4}$ " iron monument set and marked with cap inscribed with "RLS 43809"

### CERTIFICATION:

I hereby certify that this Certificate of Survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

*Timothy D. Larson*  
Timothy D. Larson, Professional Land Surveyor  
Minnesota License Number 43809  
Date: July 19, 2013







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